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DIV. OF OIL, GAS &amp; MINING

BEFORE THE BOARD OF OIL, GAS AND MINING  
DEPARTMENT OF NATURAL RESOURCES  
STATE OF UTAH

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DIV. OF OIL, GAS &amp; MINING

UTAH CHAPTER OF THE SIERRA CLUB,  
et al, Petitioners,

vs.

UTAH DIVISION OF OIL, GAS & MINING  
and  
ALTON COAL DEVELOPMENT, LLC,  
Respondents.

MOTION AND CONSENT OF  
SPONSORING LOCAL COUNSEL FOR  
PRO HAC VICE ADMISSION OF  
BENNETT EDWARD BAYER

Docket No. 2009-005

Cause No. C/025/0005

Pursuant to Pursuant to Rule 14-806 of the Utah Code of Judicial Administration, Denise A. Dragoo of the law firm of Snell & Wilmer, moves the Board for an order admitting Bennett Edward Bayer pro hac vice to act as counsel in the above-captioned matter on the following basis: Bennett Edward Bayer is admitted to practice in the Kentucky where he is an attorney in good standing as evidenced by the original letter of good standing submitted to the Utah State Bar.<sup>1</sup>

As required by Rule 14-806, both a filing fee and Bennett Edward Bayer's original Application have been submitted to the Utah State Bar. Denise A. Dragoo hereby agrees to serve as designated local counsel for the subject case. She agrees to comply with all applicable provisions of the Utah Rules of Civil Procedure and the Utah Code of Judicial Administration, and to readily communicate with opposing counsel and the court regarding the conduct of this case. She also agrees to accept papers when served as well as recognizes the responsibility to act

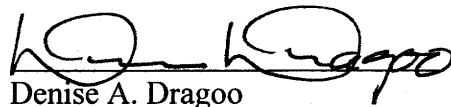
<sup>1</sup> Application for Admission Pro Hac Vice attached as Exhibit "A." Acknowledgment and of Supporting Documentation and Receipt of Pro Hac Vice Filing Fee from the Utah State Bar attached as Exhibit "B."

for and on behalf of the clients in all case-related proceedings, including hearings, pretrial conferences, and trials, should Bennett Edward Bayer fail to respond to any court order.

A proposed order admitting Bennett Edward Bayer accompanies this motion.

Respectfully submitted this 8<sup>th</sup> day of December, 2009.

SNELL & WILMER L.L.P.



Denise A. Dragoo

James P. Allen

15 West South Temple Street, Suite 1200

Salt Lake City, UT 84101

Telephone: (801) 257-1900

Facsimile: (801) 257-1800

*Attorneys for Alton Coal Development LLP*

Address of Petitioner:

Alton Coal Development, LLC

Attn. Chris R. McCourt

463 N. 100 W. Suite 1

Cedar City, UT 84720

# **EXHIBIT A**

# APPLICATION FOR ADMISSION PRO HAC VICE

NOTE: This form cannot be submitted electronically because it requires an original signature and notarization. You may fill it out and print it for signature purposes or use it as a template and draft your own application (which must be identical to the one below).

Name:

Bennett E. Bayer

Address:

106 West Vine Street, Suite 800

City, State, Zip:

Lexington

Ky

40507

Telephone / Fax:

859-514-7243

859-233-0308

E-mail (if any):

BBayer@LandrumShouse.com

State(s) to Which Admitted

Bar Number

Kentucky

03853

Case in which Applicant wishes to appear:

Case Name

Utah Chapt. Of the Sierra Club, et al v. DOGM

Court

Utah Board of Oil, Gas & Mining

Case Number

2009-019

Party on whose behalf Applicant seeks to appear

Alton Coal Development, LLC

Other cases in any state or federal court in Utah in which the applicant or member of applicant's firm has appeared pro hac vice in the previous five years (Attach additional sheets if necessary)

Case Name

Case Number

Court

Are you (the Applicant) currently suspended or disbarred from the practice of law in any state?

No

If yes, please explain:

Have you (the Applicant) been disciplined by any state's or court's bar organization in the prior Five (5)

years? ☐ No

If yes, please explain: \_\_\_\_\_

Are you (the Applicant) the subject of any pending disciplinary proceedings by any state's or court's bar

organization? ☐ No

**Sponsoring Local Counsel: (must be Utah resident)**

Name: Denise A. Dragoo

Utah Bar Number: (0908)

Address: 15 West South Temple, Suite 1200

City, State, Zip: Salt Lake City, Utah 84101

Telephone / Fax: 801-257-1998

801-257-1800

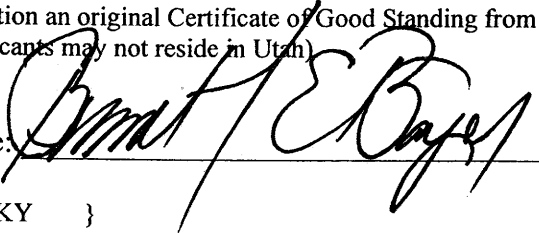
E-mail (if any): ddragoo@swlaw.com

**Applicant's Certification and Signature:**

Applicant certifies the following:

- Applicant submits to the disciplinary authority and procedures of the Utah State Bar.
- Applicant is familiar with the rules of procedure and evidence, including applicable local rules.
- Applicant will be available for depositions, hearings and conferences.
- Applicant will comply with the rulings and orders of the court.
- All the information included in this application is accurate.

Applicant must attach to this application an original Certificate of Good Standing from the licensing state in which the applicant resides (Applicants may not reside in Utah)

Applicant's Signature: 

COMMONWEALTH OF KENTUCKY }

COUNTY OF FAYETTE }

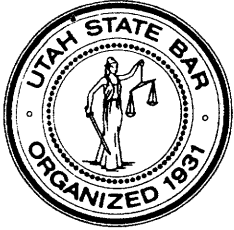
}ss

Signed and sworn to before me on 11/23/09 by Bennett E. Bayer.

Notary Public 

My appointment expires: 3-30-2011

## **EXHIBIT B**



John C. Baldwin  
Executive Director

# Utah State Bar

645 South 200 East, Suite 310 • Salt Lake City, Utah 84111-3834  
Telephone: 801-531-9077 • Fax: 801-531-0660  
www.utahbar.org

## RECEIPT OF PRO HAC VICE FILING FEE AND SUPPORTING DOCUMENTATION

Date Issued: December 8, 2009

Case Name: Utah Chapter of the Sierra Club, et al., Petitioners vs. Utah  
Division of Oil, Gas & Mining and Alton Coal Development.

Docket Number: 2009-005 Case Number C/025/0005

This letter serves as an acknowledgement that the \$175.00 pro hac vice filing fee for **BENNETT EDWARD BAYER** in the above referenced case has been paid to the Utah State Bar and that the required supporting documentation is complete and in good order. If you have any questions, please call the Bar at (801) 531-9077.

Katherine A. Fox  
General Counsel

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Note to Counsel: An original motion signed by a member of the Utah State Bar who expressly consents to appearing as associate counsel should be filed with the court along with: (1) copies of the Application and Certificate of Good Standing which were provided to the Bar; (2) this original Receipt of Filing Fee and Supporting Documentation; and (3) a proposed order.

Fox/pro\_hac/recpt300



SUSAN STOKLEY CLARY  
Clerk

OFFICE OF THE CLERK  
SUPREME COURT OF KENTUCKY  
ROOM 209, STATE CAPITOL  
700 CAPITAL AVE.  
FRANKFORT, KENTUCKY 40601-3488

Telephone:  
(502) 564-4720  
FAX:  
(502) 564-5491

### CERTIFICATION

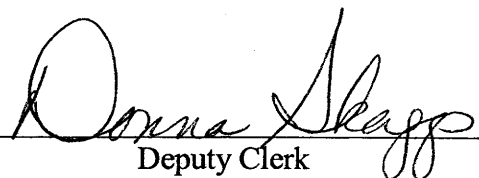
I, Susan Stokley Clary, Clerk of the Supreme Court of Kentucky, do hereby certify the records in this office show that Bennett Edward Bayer having met the necessary requirements for admission to the Bar, took the oath prescribed by the Constitution of this Commonwealth on October 25, 1982, and thereupon was admitted to practice as an attorney before this and all other courts of the Commonwealth of Kentucky, and certify that Bennett Edward Bayer is an attorney at law in good standing, as such, in all the courts of the Commonwealth.

I further certify that the Supreme Court is the Court of highest jurisdiction for the Commonwealth of Kentucky.

Done at the Capitol at Frankfort, Kentucky this 30th day of November, 2009.

SUSAN STOKLEY CLARY  
CLERK

By: \_\_\_\_\_

  
Deputy Clerk



# KENTUCKY BAR ASSOCIATION

514 WEST MAIN STREET  
FRANKFORT, KENTUCKY 40601-1812  
(502) 564-3795  
FAX (502) 564-3225  
[www.kybar.org](http://www.kybar.org)



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***THIS IS TO CERTIFY THAT***

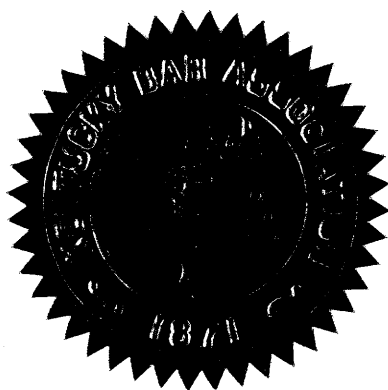
***BENNETT EDWARD BAYER***

*106 West Vine Street, Suite 800*

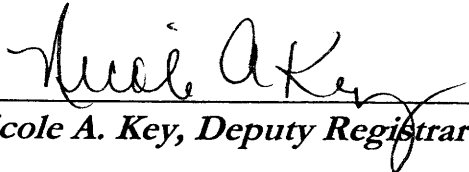
*Lexington, Kentucky 40507-1679*

***Membership No. 03853***

*is an active member in good standing with the Kentucky Bar Association as required by the Rules of the Supreme Court of Kentucky, no record of any complaints or charges of any kind having been preferred against him. Dated the 24<sup>th</sup> day of November, 2009.*



**JOHN D. MEYERS  
REGISTRAR**

By:   
**Nicole A. Key, Deputy Registrar**

LANDRUM & SHOUSE, LLP  
SUITE 800 - 106 W. VINE ST.  
P.O. BOX 951  
LEXINGTON, KENTUCKY 40588-0951

REMITTANCE ADVICE					

16935

21-5  
830

PAY *One hundred seventy-five 09/05*

DOLLARS

DATE	TO THE ORDER OF
11/24/04	Utah State Bank

CHECK AMOUNT  
175.00

LANDRUM & SHOUSE, LLP  
VOID AFTER 90 DAYS

NATIONAL CITY BANK, KENTUCKY  
P.O. BOX 36000 - LOUISVILLE, KENTUCKY 40233-6000

*[Signature]*

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**BEFORE THE BOARD OF OIL, GAS AND MINING  
DEPARTMENT OF NATURAL RESOURCES  
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UTAH CHAPTER OF THE SIERRA CLUB,  
et al, Petitioners,

vs.

UTAH DIVISION OF OIL, GAS & MINING  
and  
ALTON COAL DEVELOPMENT, LLC,  
Respondents.

**ORDER ADMITTING  
BENNETT EDWARD BAYER  
PRO HAC VICE**

Docket No. 2009-005

Cause No. C/025/0005

Based upon the Motion for Admission Pro Hac Vice of Bennett Edward Bayer and the consent to appear as associate counsel by Denise A. Dragoo, it is hereby ordered that Bennett Edward Bayer be admitted pro hac vice as counsel for Defendants in the above-entitled matter.  
So ordered.

**UTAH BOARD OF OIL, GAS & MINING**

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Douglas E. Johnson  
Chairman